

Senate Bill No. 601

CHAPTER 720

An act to amend Sections 33352 and 51241 of the Education Code, relating to teachers.

[Approved by Governor October 14, 2007. Filed with
Secretary of State October 14, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 601, Torlakson. Teachers: Physical Education Professional Development Program.

(1) Existing law requires the State Department of Education to exercise general supervision over the physical education courses in elementary and secondary schools of the state. The department is required to ensure that the data collected through categorical program monitoring (CPM) indicates the actual number of minutes of instruction in physical education actually provided by each school district for the purpose of determining whether each school district is in compliance with the required minimum minutes of instruction. Public schools are required to provide instruction in physical education for a total period of time of not less than 200 minutes each 10 schooldays to pupils in grades 1 to 6, inclusive, and for a total period of time of not less than 400 minutes each 10 schooldays to pupils in grades 7 to 12, inclusive.

This bill would require the department to ensure that the data collected through CPM indicates the extent to which each school within the jurisdiction of a school district or county office of education performs specified duties regarding the provision of instruction in physical education, including, among others, providing the required minimum minutes of instruction and conducting physical fitness testing. The department would be required to submit annually a report to the Governor and the Legislature that summarizes the data collected through CPM regarding those items and to post annually a summary of that data on the Internet Web site of the department.

(2) Existing law authorizes the governing board of a school district or the office of the county superintendent of schools of a county to grant a pupil an exemption from courses in physical education for 2 years any time during grades 10 to 12, inclusive, with the consent of a pupil, if the pupil has passed the physical performance test administered in the 9th grade.

This bill would grant that exemption if the pupil has met satisfactorily any 5 of the 6 standards of the physical performance test administered in grade 9.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) A lack of adequate physical activity and appropriate nutrition has greatly contributed to the epidemic levels of obesity found in California.

(b) Obesity is a key risk factor associated with a number of health problems including heart disease, diabetes, some cancers, hypertension, gallbladder disease, musculoskeletal disorders, and mental health.

(c) According to the State Department of Public Health, the costs of obesity in California are estimated to equal more than \$21.7 billion in health care costs, workers' compensation costs, and lost productivity.

(d) According to the State Department of Education, healthy, active, and well-nourished children are more likely to attend school and are more prepared and motivated to learn.

(e) Healthy children are also more likely to grow up to be healthy adults and are less likely to develop costly and harmful health problems.

(f) California's youth have the potential to advance the generational change necessary for reversing and preventing the devastating consequences of such an epidemic.

(g) Physical education can provide necessary physical activity while motivating a child to maintain healthy eating habits and to engage in regular physical activity as an aspect of one's lifestyle.

SEC. 2. Section 33352 of the Education Code is amended to read:

33352. (a) The department shall exercise general supervision over the courses of physical education in elementary and secondary schools of the state; advise school officials, school boards, and teachers in the development and improvement of their physical education and activity programs; and investigate the work in physical education in the public schools.

(b) The department shall ensure that the data collected through the categorical program monitoring indicates the extent to which each school within the jurisdiction of a school district or county office of education does all of the following that are applicable to the school:

(1) Provides instruction in physical education for a total period of time of not less than 200 minutes each 10 schooldays to pupils in grades 1 to 6, inclusive, as required pursuant to subdivision (g) of Section 51210.

(2) Provides instruction in physical education for a total period of time of not less than 400 minutes each 10 schooldays to pupils in grades 7 to 12, inclusive, as required pursuant to subdivision (a) of Section 51222.

(3) Provides instruction in physical education for a total period of time of not less than 200 minutes each 10 schooldays to pupils in an elementary school maintaining grades 1 to 8, inclusive, as required pursuant to Section 51233.

(4) Conducts physical fitness testing of pupils as required pursuant to Chapter 6 (commencing with Section 60800) of Part 33.

(5) Includes the results of physical fitness testing of pupils in the school accountability report card as required pursuant to subparagraph (C) of paragraph (1) of subdivision (b) of Section 33126.

(6) Offers pupils exempted from required attendance in physical education courses pursuant to paragraph (1) of either subdivision (b) or (c) of Section 51241 a variety of elective physical education courses of not less than 400 minutes every 10 schooldays.

(7) Provides a course of study in physical education to pupils in any of grades 9 to 12, inclusive, that includes a developmentally appropriate sequence of instruction, including the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives.

(8) Provides instruction in physical education to pupils that provides equal opportunities for participation regardless of gender.

(9) Provides instruction in physical education to pupils in any of grades 1 to 12, inclusive, by physical education teachers who hold appropriate teaching credentials issued by the Commission on Teacher Credentialing.

(c) The department annually shall do both of the following:

(1) Submit a report to the Governor and the Legislature that summarizes the data collected through categorical program monitoring regarding the items described in paragraphs (1) to (9), inclusive, of subdivision (b).

(2) Post a summary of the data collected through categorical program monitoring regarding the items described in paragraphs (1) to (9), inclusive, of subdivision (b) on the Internet Web site of the department.

SEC. 3. Section 51241 of the Education Code is amended to read:

51241. (a) The governing board of a school district or the office of the county superintendent of schools of a county may grant a temporary exemption to a pupil from courses in physical education, if the pupil is one of the following:

(1) Ill or injured and a modified program to meet the needs of the pupil cannot be provided.

(2) Enrolled for one-half, or less, of the work normally required of full-time pupils.

(b) (1) The governing board of a school district or the office of the county superintendent of schools of a county, with the consent of a pupil, may grant a pupil an exemption from courses in physical education for two years any time during grades 10 to 12, inclusive, if the pupil has met satisfactorily any five of the six standards of the physical performance test administered in grade 9 pursuant to Section 60800.

(2) Pursuant to Sections 51210, 51220, and 51222, physical education is required to be offered to all pupils, and, therefore, schools are required to provide adequate facilities and instructional resources for that instruction. In this regard, paragraph (1) shall be implemented in a manner that does not create a new program or impose a higher level of service on a local educational agency. Paragraph (1) does not mandate any overall increase in staffing or instructional time because, pursuant to subdivision (d), pupils are not permitted to attend fewer total hours of class if they do not enroll in physical education. Paragraph (1) does not mandate any new costs because any additional physical education instruction that a local educational agency

provides may be accomplished during the existing instructional day, with existing facilities. Paragraph (1) does not prevent a local educational agency from implementing any other temporary or permanent exemption authorized by this section.

(c) The governing board of a school district or the office of the county superintendent of a county may grant permanent exemption from courses in physical education if the pupil complies with any one of the following:

(1) Is 16 years of age or older and has been enrolled in the 10th grade for one academic year or longer.

(2) Is enrolled as a postgraduate pupil.

(3) Is enrolled in a juvenile home, ranch, camp, or forestry camp school where pupils are scheduled for recreation and exercise pursuant to the requirements of Section 4346 of Title 15 of the California Code of Regulations.

(d) A pupil exempted under paragraph (1) of subdivision (b) or paragraph (1) of subdivision (c) shall not attend fewer total hours of courses and classes if he or she elects not to enroll in a physical education course than he or she would have attended if he or she had elected to enroll in a physical education course.

(e) Notwithstanding any other law, the governing board of a school district also may administer to pupils in grades 10 to 12, inclusive, the physical performance test required in grade 9 pursuant to Section 60800. A pupil who meets satisfactorily any five of the six standards of this physical performance test in any of grades 10 to 12, inclusive, is eligible for an exemption pursuant to subdivision (b).